

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SEAN CARLOS BURKE,

Plaintiff,

v.

ACCO BRANDS, INC., et al.,

Defendants.

Civil Action No. 05-371 Erie

**MEMORANDUM ORDER**

This civil rights action was received by the Clerk of Court on December 20, 2005, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 54], filed on March 5, 2007, recommended that the remainder of this action (the state law tort claims) be remanded to the Court of Common Pleas of Fayette County Pennsylvania. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. No objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 26<sup>th</sup> day of March, 2007;

IT IS HEREBY ORDERED that the remainder of this action (the state law tort claims) are REMANDED to the Court of Common Pleas of Fayette County Pennsylvania.

The Report and Recommendation [Doc. No. 54] of Magistrate Judge Baxter, filed on March 5, 2007 is adopted as the opinion of the Court. The clerk is hereby directed to mark the case closed.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record

Susan Paradise Baxter, U.S. Magistrate Judge